

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EAST COAST VENTURE CAPITAL, INC.,

Plaintiff,

- against -

JP MORGAN CHASE BANK, N.A., ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

For the reasons stated on the record at today's hearing, the plaintiff's motion for leave to file a Second Amended Complaint is **granted**. As the plaintiff acknowledged at today's hearing, this is the plaintiff's last opportunity to amend any deficient claims and any claims in the Second Amended Complaint that are dismissed will be dismissed with prejudice. The defendants' motion to dismiss and for summary judgment is **denied** as moot. The Clerk is directed to close Docket Nos. 10 and 17.

The plaintiff's time to file the Second Amended Complaint is extended to **February 5, 2010**. The defendant's time to move or answer is extended to **March 5, 2010**. The parties are reminded to ask the Court for a conference before making any motion for summary judgment. If there are no pending motions, a conference will be held on **March 18, 2010, at 4:30 p.m.**

The parties should advise the Court by joint letter by **January 22, 2010**, whether they consent to trial before the

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>1-14-10</u>

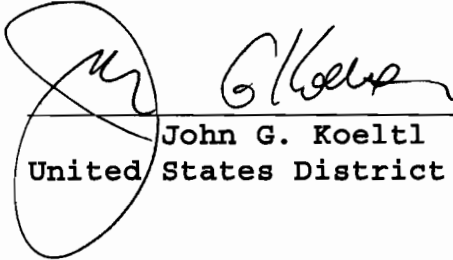
09 Civ. 5473 (JGK)

ORDER

Magistrate Judge and whether they believe a reference to the
Magistrate Judge for purposes of settlement would be useful.

SO ORDERED.

Dated: New York, New York
January 13, 2010



John G. Koeltl
United States District Judge